

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES

VERSUS

CRIMINAL ACTION NO. 4:07CR106-P-B

MARSHALL RAY LATIKER

ORDER

This cause is before the Court on defendant Latiker's Motion for Continuance [17]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for December 17, 2007. Defense counsel represents in the motion that she has a conflict due to a prior existing trial setting. Rule 16.3 of the Uniform Local Rules provides: "When the Court has set a case for trial . . . which conflicts with a court appearance of counsel in other courts, the first case having a firm setting shall control" In addition, defense counsel advises that she is involved in plea negotiations with the government. The Court is advised that the government does not oppose the requested continuance. While the circumstances articulated in the motion are sufficient to warrant the granting of a continuance of the present trial date, the Court notes that the instant motion is defendant's fourth request for a continuance. Accordingly, defense counsel is hereby admonished that, absent very good cause therefor, no additional continuances will be granted in this matter.

These circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(8)(A), the period of delay from December 17, 2007 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given defense counsel's conflicting prior trial

setting in another court, a continuance is required under the Local Rules and in order to ensure the availability of defense counsel at the trial of this cause, as well as to permit the parties the opportunity to reach a plea agreement, thereby eliminating the need for a trial. Therefore, the Court finds that the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The defendant's Motion for Continuance [17] is GRANTED;
2. That the trial of this matter is continued until Monday, February 4, 2008 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi; multiple voir dire is to be held at the same time and place;
3. That the delay from December 17, 2007 until February 4, 2008 is excluded as set out above;
4. That the deadline for filing pretrial motions is January 14, 2008;
5. That the deadline for submitting a plea agreement is January 22, 2008.

SO ORDERED, this the 7th day of December, 2008.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE